UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
August 7, 1996
Cathy A. Catterson,
Clerk, U.S. Court of Appeals

RICHARD D. HOLIHAN,
Plaintiff-Appellant,
vs.
LUCKY STORES, INC.,
Defendant-Appellee.

No. 95-55409
D.C. No. CV-94-03528-ER

ORDER

Before: GIBSON, NOONAN and THOMPSON,
Circuit Judges.*

The panel, as constituted above, has unanimously voted to deny the petition for rehearing. Judges Noonan and Thompson voted to reject the suggestion for rehearing en banc.

The suggestion for en banc rehearing has been circulated to the full court, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is DENIED, and the suggestion for a rehearing en banc is REJECTED.

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* Honorable Floyd R. Gibson, Senior Circuit Judge for the Eighth Circuit, sitting by designation.